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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,654	11/26/2003	Thomas James Hatcher	350-027US 7657	
	22897 7590 09/11/2007 DEMONT & BREYER, LLC		EXAM	INER
100 COMMON	IS WAY, Ste. 250		GARLAND, STEVEN R	
HOLMDEL, N	J 07733		ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary    10/722,654		Application N	o. Applica	ant(s)
Steven R. Garland  2125  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address rice for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION Extensions of time may be available under the provisions of 37 CFR 1.138(s). In no event, however, may a reply be timely filed  If NO period for reply is specified above, the maximum statistory profied will apply and will explice 18 (K) (9 MONTHS from the mailing date of this communication Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (39 U.S.C. § 133) Any reply received by the Office later than three meniods after the mailing date of this communication, even if timely filed, may reduce any sented patent term adjustment. See 37 CFR 1.704(s).  **Itus**  1) ★ Responsive to communication(s) filed on 26 November 2003 and 12 March 2004.  2a) ☐ This action is FINAL.  2b) ☐ This action is fond.  2b) ☐ This action is final.  2b) ☐ This action is final.  2c) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Position of Claims**  4) ★ Claim(s) 34-37 and 39-53 is/are pending in the application.  4a) Of the above claim(s)	-A.	· ·	HATCH	ER ET AL.
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<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>	ority under 35 U.S.C. § 119			
<ol> <li>Certified copies of the priority documents have been received.</li> <li>Certified copies of the priority documents have been received in Application No</li> <li>Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol>	12) Acknowledgment is made of a	a claim for foreign priority under	35 U.S.C. § 119(a)-(d) or (	(f).
<ul> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>	a) ☐ All b) ☐ Some * c) ☐ Nor	ne of:		
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application from the International Bureau (PCT Rule 17.2(a)).	<del></del>	•		
	3. Copies of the certified	copies of the priority documents	have been received in this	s National Stage
* See the attached detailed Office action for a list of the certified copies not received.	• •	•		
	* See the attached detailed Office	e action for a list of the certified	copies not received.	
	achment(s)			

Attachment(s) 1) Notice of References Cited (PTO-892)

**Period for Reply** 

**Status** 

**Disposition of Claims** 

**Application Papers** 

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2)		Notice of Draftsperson's	Patent	Drawing	Review (	PTO-948

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3)	Ш	Information Disclosure	Statement(s)	(PTO/SB/08)
		Paper No(s)/Mail Date		•

Priority under 35 U.S.C. § 119

ciosure	Statement(s)	(P10/5B/08)
ail Date		•

5) Notice of Informal Patent Application

Application/Control Number: 10/722,654 Page 2

Art Unit: 2125

## Election/Restrictions

1. Claims 1-33 and 38 have been cancelled. Claims 34-37 and 39-53 are pending.

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 34-37,39-48 and 50-53, drawn to operating a single channel reformatter by specifying a group of source to destination links for execution, classified in class 700, subclass 56.
  - Claim 49, drawn to cleaning and operating a single channel formatter,
     classified in class 700, subclass 56.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require specifying a group of source to destination links for execution. The subcombination has separate utility such as use in a system in which a liquid cleaning dispenser accompanies the single channel and does not require movement to a particular station.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in

Art Unit: 2125

accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

- 4. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:
  - (a) the inventions have acquired a separate status in the art in view of their different classification;
  - (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
  - (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
  - (d) the prior art applicable to one invention would not likely be applicable to another invention;
  - (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete <u>must</u> include (i) an election of a invention to be examined even though the requirement

Art Unit: 2125

may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. A telephone call was made to Mr. Breyer on 8/30/07 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

Art Unit: 2125

requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Friday.

Art Unit: 2125

Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L-P. Paril

Steven R Garland Examiner Art Unit 2125

LEO PICARD SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100